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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,203	02/06/2001	Victor S. Moore	BOC920000045US1	8787

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EXAMINER	
SORRELL, ERON J	

ART UNIT	PAPER NUMBER
2182	3

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/778,203	MOORE ET AL.	
	Examiner	Art Unit	
	Eron J Sorrell	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-17 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 06 February 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,11, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Slater et al. (U.S. Patent No. 6,654,796 hereinafter "Slater").

3. Referring to system claim 1 and method claim 11, Slater teaches a system and method for providing domain name lookup and connection services to users of a data communication network, said system comprising a server located at a unique and predetermined address in said network, said server comprising:

first means responsive to communication inquiries from said network users for operating in conformance to a predetermined set of criteria to determine an address in said network uniquely assigned to one of a plurality of host entities (see lines 1-9

of column 15); each said inquiry containing a first addressing term uniquely designating the location of said server in said network (see lines 10-26 of column 15; Note the "es[n]" portion of the inquiry is unique to the respective server), and a second addressing term constituting a name having a non-unique association to all of said plural host entities (see lines 10-26 of column 15; Note the "commander_hostname_or_IP" is the non-unique to all of the hosts; and

second means activated by said first means for redirecting each said inquiry to a unique one of said host entities (see lines 1-26 of column 15).

4. Referring to claim 16, Slater teaches a computer-based service to redirect inquiries through a data communication network, wherein an inquiry currently undergoing processing is potentially associated with plural destinations in said network, a software-based system for effecting redirection of said inquiry currently undergoing processing; said software-based system including:

means responsive to information contained in said current inquiry to ascertain destinations potentially associated with said inquiry (see lines 1-26 of column 15); and

means using predetermined selection criteria for selecting a single one of said potential destinations, as the target for redirection of the respective inquiry (see lines 1-26 of column 15).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater in view of Howard et al. (U.S. Patent No. 6,584,505 hereinafter "Howard").

7. Referring to claims 2-5, Slater fails to teach the first and second means utilize "user profile" information obtained from each network user sending a said communication inquiry; the user profile information effectively establishing a criterion for uniquely selecting one of said host entities, wherein the user profile information is stored in computer devices operated

by the respective users, wherein the user profile information is stored in the form of "cookies" placed in said computer devices by said server, wherein the user profile information is stored in the form of plug-in mini-applications placed in said computer devices by said server.

Howard, in an analogous system, teaches the above limitations (see lines 16-47 of column 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Slater with the above teachings of Howard. One of ordinary skill in the art would have been motivated to make such modification in order to access content from a server at different times without having to re-authenticate the user each time.

8. Referring to claim 6, Howard teaches the user profile information is stored by the server in a location remote from the user sending a respective said inquiry (see lines 16-39 of column 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Slater with the above teachings of Howard. One of ordinary skill in the art would have been motivated to

make such modification in order to the server to determine if the client has already been authenticated by sending the cookie back to the server during subsequent accesses as suggested by Howard (see lines 16-39 of column 7).

9. Referring to claim 12, Slater fails to teach referring to subscriber profile information registered in association with the subscribed users to make respective determinations.

Howard, in an analogous system, teaches the above limitations (see lines 16-47 of column 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Slater with the above teachings of Howard. One of ordinary skill in the art would have been motivated to make such modification in order to access content from a server at different times without having to re-authenticate the user each time.

10. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater in view of O'Toole et al. (U.S. Patent No. 6,345,294 hereinafter "O'Toole").

11. Referring to claims 13 and 17, Slater fails to teach the step of unambiguously determining said single separate destination, when a said generic name is associated with plural destinations in said network, includes steps of:

determining remoteness of each of said plural destinations relative to the instantaneous location of the source of the inquiry currently being processed; and

selecting, as the said single destination, a destination closest to said instantaneous source location.

O'Toole teaches a system and method comprising the above limitations (see lines 31-51 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Slater with the above teachings of O'Toole. One of ordinary skill in the art at the time of the applicant's invention would have been motivated to make such modification in order to reduce the latency required in receiving the requested content.

12. Claims 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater in view of Baker (U.S. Patent No. 6,092,204).

13. Referring to claim 15, Slater fails to teach that when a generic name in an inquiry currently being processed is found to be potentially associated with plural destinations in said network and information currently available to said service is insufficient to form a basis for unambiguously selecting a single one of said destinations as a target for redirection of the respective inquiry, said step of determining said single separate destination includes a step of communicating bi-directionally with a said user at the originating location of the inquiry currently being processed to resolve any ambiguities preventing said selection of said single one of said destinations.

Baker teaches, in an analogous system, the above limitation (see lines 51-61 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Slater and Howard with the above teachings of Baker. One of ordinary skill in the art would have been motivated to make such modification in order to resolve ambiguities in requests as suggested by Baker (see lines 24-35 of column 3).

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slater in view of Howard as applied to claims 2-5 above, and further in view of Baker (U.S. Patent No. 6,092,204).

15. Referring to claim 7, the combination of Slater and Howard fails to teach that in the event that information available to said server is insufficient to make a unique determination of a host address to which a said respective inquiry should be directed, said server communicates directly with the originator of the respective inquiry to indicate a plurality of specific host address name options apparently meeting the respective inquirer's criteria for connection and enabling the respective inquirer to select one of the indicated address name options.

Baker teaches, in an analogous system, the above limitation (see lines 51-61 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Slater and Howard with the above teachings of Baker. One of ordinary skill in the art would have been motivated to make such modification in order to resolve ambiguities in requests as suggested by Baker (see lines 24-35 of column 3).

16. Claims 8-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater in view of Howard as applied to claims 2-5 and 12 above, and further in view of Barrick, Jr. et al. (U.S. Patent No. 6,625,647 hereinafter "Barrick").

17. Referring to claim 8, the combination of Slater and Howard fails to teach the criterion for at least some of said inquirers is associated with a predetermined geographic locale in which the respective inquirers are situated.

Barrick teaches a system wherein cookies establish criterion for at least some of said inquirers is associated with a predetermined geographic locale in which the respective inquirers are situated (see lines 21-40 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Slater and Howard with the above teachings of Barrick. One of ordinary skill in the art would have been motivated to make such modification in order to be able to estimate download times as suggested by Barrick (see paragraph bridging columns 1 and 2).

18. Referring to claims 9 and 10, Barrick teaches the inquirers are stationary and the predetermined locales are fixed (see item desktop computer 1 in figure 1). Barrick also teaches that any computer systems can be used (see lines 31-41 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to make the inquirers mobile (such as with a laptop computer) and the predetermined locales vary with movements of the respective inquirers. One of ordinary skill in the art would have been motivated to make such modification in order for download times be estimated from a portable computer such as a laptop and Barrick teaches any computer system can be used.

19. Referring to claim 14, the combination of Slater and Howard fails to teach at least a portion of said subscriber profile information of at least one of said subscribing users is stored at a location in said network currently used by the respective subscribing users, and wherein said step of determining a said single separate destination for an inquiry currently in the process of being redirected includes:

communicating with said currently used location to refer to profile information stored thereat.

Barrick teaches the above limitations (see lines 21-40 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Slater and Howard with the above teachings of Barrick. One of ordinary skill in the art would have been motivated to make such modification in order to be able to estimate download times as suggested by Barrick (see paragraph bridging columns 1 and 2).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to show the present state of the art as it pertains to location based internet access:

U.S. Patent No. 6,731,612 to Koss teaches a method for location based web browsing; and

U.S. Patent No. 6,691,106 to Sathyanarayan teaches a system wherein user profiles are maintained and used to determine web content for delivery.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J

Sorrell whose telephone number is 703 305-7800. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 703 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS
July 21, 2004

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